

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2315 – SB 2332

March 12, 2018

**SUMMARY OF ORIGINAL BILL:** Prohibits state and local government entities from adopting or enacting sanctuary policies limiting or restricting state and federal immigration policies and laws. Requires the Attorney General and Reporter (AG) to receive written complaints from residents of Tennessee regarding violations. Authorizes members of the General Assembly to request an investigation and opinion from the AG as to whether a local government entity or official has committed a violation. Requires the AG to issue a public opinion following an investigation into a complaint or request.

Prohibits any governmental entity or official determined to have adopted or enacted a sanctuary policy from receiving state funds. Such ineligibility for funding shall continue from the date the opinion is issued until the AG certifies that the policy in violation has been repealed. Authorizes a person residing in a municipality or county to file a complaint of a violation in chancery court.

Requires law enforcement agencies to negotiate the terms of a memorandum of agreement (MOA) with federal officials concerning enforcement of federal immigration laws. Requires every law enforcement officer employed by a law enforcement agency be trained in accordance with the MOA to enforce federal immigration laws while performing within the scope of their authorized duties as law enforcement officers.

Requires each law enforcement agency to submit a report by January 1 of each year to the Governor and the members of the General Assembly on the status of the law enforcement agency's attempts to enter into the MOA.

FISCAL IMPACT OF ORIGINAL BILL:

Other Fiscal Impact – Due to multiple unknown factors, any fiscal impact to federal or local government cannot be quantified with reasonable certainty. State funding will be withheld if a local government entity is found to be out of compliance with sanctuary policy requirements. However, the extent, timing, and duration for any withheld state funds are dependent upon multiple unknown factors and cannot be reasonably determined.

**SUMMARY OF AMENDMENT (014911):** Deletes and rewrites all language after the enacting clause such that the only substantive changes are: (1) prohibits any state or local governmental entity or official determined to have adopted or enacted a sanctuary policy from receiving any economic and community development state funds, as opposed to any state funds prohibited in the original bill; and (2) requires complaints regarding violations be submitted to a

member of the General Assembly from the resident's district as opposed to the Attorney General and Reporter (AG).

## **FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

### **Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- U.S. Immigration and Customs Enforcement (ICE) is responsible for enforcing federal immigration laws as part of its homeland security mission.
- All state government entities are assumed to currently be in compliance with state and federal immigration law.
- It is assumed that local governments are currently in compliance or will choose to comply with the provisions on the legislation in order to avoid a loss in economic and community development state funding.
- To the extent a local government entity is found to be out of compliance with sanctuary policy requirements, economic and community development state funding will be withheld from such entity.
- The precise fiscal impact related to any funds being withheld is dependent upon multiple unknown factors and cannot be reasonably determined.
- Pursuant to Tenn. Code Ann. § 7-68-104, an individual can currently file similar complaints with chancery courts regarding violations of immigration law. Any impact on the court system is estimated to be not significant.
- Pursuant to Tenn. Code Ann. § 8-6-109(b)(6), the AG is currently required to give opinions to members of the General Assembly. Any impact related to requests from members of the General Assembly is considered not significant.
- According to the AG's website, an AG opinion cannot be issued to county or local government officials or private citizens. This legislation would require the AG to receive complaints from members of the General Assembly, investigate such complaints, and issue opinions regarding such complaints.
- Currently the AG receives various complaints regarding unauthorized practice of law, nonprofits, and consumer complaints.
- Due to the potential loss of state funding, the number of violations in any given year is estimated to be not significant; therefore, the number of complaints in a given year relative to sanctuary policy regulations is considered not significant.
- Any increase in state expenditures to receive and investigate complaints from citizens regarding violations of sanctuary policy regulations by government entities is considered not significant.
- The 287(g) program, one of ICE's partnership initiatives, allows a state or local law enforcement entity to enter into a partnership with ICE, under a joint MOA, in order to receive delegated authority for immigration enforcement within their jurisdictions.
- The number of additional local entities that will enter into this MOA as a direct result of this legislation is unknown. The number of officers that will be trained is unknown.

- The costs associated with training such officers are unknown.
- Therefore, any fiscal impact to the federal or local government cannot be quantified with reasonable certainty.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/vlh